

**Case 200600047: Glasgow Housing Association Ltd**

**Summary of Investigation**

**Category**

Housing Association: Application for rehousing on medical grounds

**Overview**

The complainant (Mrs C) raised a number of concerns about her housing circumstances, specifically in relation to the condition her current maisonette was in when allocated to her in 2004, to the attitude of a Housing Officer who visited her home and at the failure of the Glasgow Housing Association (the Association) to rehouse her husband and herself.

**Specific complaints and conclusions**

The complaints which have been investigated are that:

- (a) the Association offered Mr and Mrs C their present home in May 2004 with poor flooring (*not upheld*);
- (b) the Association did not properly investigate Mrs C's complaints about the attitude of a Housing Officer who visited her home on 29 July 2005 (*not upheld*); and
- (c) the only offers of permanent rehousing made by the Association have been unsuitable (*not upheld*).

**Redress and recommendation**

The Ombudsman has no specific recommendation to make.

## **Main Investigation Report**

### **Introduction**

1. The complainant (Mrs C) is 76 years of age. Her husband, who had a leg amputated in childhood, is 81 years of age. For 46 years they resided in a top floor maisonette flat at X Road, but were granted medical priority for a move in January 2002. They moved to their present first floor maisonette in May 2004. They consider the flooring to be defective and Mr C has fallen on numerous occasions. They were aggrieved at the failure of Glasgow Housing Association (the Association) to rehouse them and at the attitude of an officer who visited them on 29 July 2005.

2. The complaints from Mrs C which I have investigated are that:

- (a) the Association offered Mr and Mrs C their present home in May 2004 with poor flooring;
- (b) the Association did not properly investigate Mrs C's complaints about the attitude of a Housing Officer who visited her home on 29 July 2005; and
- (c) the only offers of permanent rehousing made by the Association have been unsuitable.

### **Investigation**

3. The investigation is based on information supplied by Mrs C and the Association's response to my enquiry which included their substantial file of correspondence with Mrs C.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Association were given an opportunity to comment on a draft of this report.

#### **(a) The Association offered Mr and Mrs C their present home in May 2004 with poor flooring**

5. Mr C had difficulty in his former home at X Road in negotiating steps to his front door and internal stairs within the maisonette. In January 2002, Mr and Mrs C were awarded medical priority for rehousing by Glasgow City Council before that body's stock transferred to the Association on 7 March 2003. The medical priority restricted Mr and Mrs C to being offered ground floor accommodation.

6. In August 2003, a Housing Adviser from a Disabled Persons Housing Service (the Adviser) contacted the Association's Community Housing Manager (Officer 1), regarding Mr and Mrs C's housing circumstances. It was agreed that Mr C should be rehoused in a property with a downstairs toilet.

7. According to the Association, between August 2003 and April 2004, Mr and Mrs C were made several offers of housing by the Association and by the New Gorbals Housing Association; all were considered suitable to their medical needs.

8. In April 2004, Mr and Mrs C approached New Gorbals Local Housing Office and said they wished to be considered for a property which is now their present home. The house did not meet Mr C's medical requirements but did have the bedrooms and toilet on the one level. It was agreed that Mr and Mrs C could set to one side their medical priority and they were offered their present home based on their existing points level. The property being at a lower floor level constituted an improvement in their housing circumstances. It was agreed that a walk-in shower would be installed to assist Mr C.

9. The Association provided me with a copy of an empty house inspection carried out on 4 May 2004. This report did not identify any repairs as being required to the floor, and none had been reported by the outgoing tenant.

10. Some six months later, in November 2004, Officer 1 met with Mrs C and the Adviser. Mrs C stated that her husband had fallen in the home and wanted to move back to X Road. Officer 1 said that those houses were not suitable medically for Mr C because they had internal stairs and the toilet was on the upper floor. It was agreed at that time to reinstate Mr C's medical priority for ground floor accommodation only.

11. The Association said that Mrs C identified the issue of the flooring with Officer 1 in November 2004. An arrangement for inspection by a contractor was made for 5 December 2004 and that inspection revealed that there was a slight run in the floor. Identification of the scale of remedial works required the carpets to be lifted to enable a more detailed inspection. Mrs C was informed of this but declined a request to allow her carpets to be lifted. The Association provided me with notes

of meetings and correspondence from 19 January 2005 to 17 June 2005 which illustrate that respite care and temporary relocation were offered. A note of a meeting between Officer 1 and a colleague Housing Officer (Officer 2) indicates that Mrs C had made it clear that she and her husband wished a permanent move.

*(a) Conclusion*

12. The fault with the flooring in Mr and Mrs C's present house was not reported by the outgoing tenant, not picked up at the pre-letting inspection, and was not noticed by Mr and Mrs C when they signed for their present home. I understand that the flooring has provided difficulties for Mr C. The falls he has sustained are regrettable. The Association have confirmed that there is a problem and are anxious to have it rectified. Mr and Mrs C are understandably anxious to avoid unnecessary upheaval and have effectively declined to allow access, indicating that they would prefer only to move once and permanently to a more suitable house.

13. I consider that the Association were unaware of the problem with the flooring at the time of letting the property. Since becoming aware of the problem they have tried to take action to carry out the necessary repairs. I, therefore, do not uphold this complaint.

**(b) The Association did not properly investigate Mrs C's complaint about the attitude of a Housing Officer who visited her home on 29 July 2005**

14. The Association say that Mrs C contacted the New Gorbals Local Housing Office in late July 2005 saying she wanted to discuss her housing situation with Officer 1. Officer 1 was at that time about to go on annual leave and would not be available. It was agreed that Officer 2 would pay a home visit which would also serve to ascertain Mr C's views.

15. Officer 2 and a Housing Assistant (Officer 3) visited Mr and Mrs C at their home on 29 July 2005.

16. Mrs C alleges that during the visit Officer 2 shouted at Mr and Mrs C. This left Mr C shaken. He took a bad turn and an ambulance was called to take him to hospital.

17. Following Officer 1's return from leave, Mrs C made an appointment to see Officer 1 on 23 August 2005. Officer 1 assumed that the purpose was to discuss Mr and Mrs C's current housing situation and arranged for Officer 2 to be present. Mrs C attended with her daughter and said that she wished to make a complaint about Officer 2's conduct on 29 July 2005. She also stated that Mr C had become ill and had been hospitalised as a consequence of the visit.

18. Officer 1 stated that there was an initial exchange of words between Mrs C, her daughter and Officer 2. Officer 1 asked Officer 2 to be quiet to allow Mrs C to complete her complaint, and when Mrs C had completed what she had to say she (Officer 1) would ask Officer 2 to comment. Officer 1 said that when Officer 2 started to give her response, Mrs C and her daughter started shouting. Officer 1 tried to restore order but eventually asked Officer 2 to leave because it was apparent that Mrs C and her daughter did not want to hear Officer 2's recollection of the interview on 29 July 2005. Officer 1 then had another Officer sit in on the interview which proceeded to discuss Mr and Mrs C's housing situation. Officer 1 concluded the interview by saying she would investigate the complaint against Officer 2 but this might be delayed since Officer 3 (who had also been present during the visit on 29 July 2005) was at that time on leave.

19. The Association provided me with a copy of their file on the investigation of the complaint against Officer 2. Officer 2 was interviewed on 24 August 2005 and Officer 3 immediately on her return from leave on 1 September 2005. Officer 1 wrote to Mrs C on 7 September 2005 stating that following after investigating the matter she had concluded that there were no grounds for a complaint.

19. Mrs C appealed against the decision by letter of 8 September 2005, and supplemented this in a further letter of 23 September 2005. A panel was convened to hear the appeal on 11 November 2005. The Chair of the hearing wrote to Mrs C on 17 November 2005 informing her that the appeal had not been upheld. Mrs C thereafter wrote to the Chief Executive of the Association on 2 December 2005.

20. Following an exchange of correspondence between December 2005 and March 2006, the Association's Customer Relations Co-ordinator (Officer 4) wrote to Mrs C on 5 April 2006. She stated that the issue regarding Officer 2 had been dealt with within the Association's Disciplinary Policy and Code of Conduct for staff.

The process for dealing with complaints involving members of staff had been concluded and no outcomes could be disclosed to maintain employee confidentiality. Officer 4 considered the matter closed.

21. Mrs C was sent a complaint form to complete should she wish to submit a complaint about the way her application for rehousing had been dealt with. Mrs C used the form to complain further about Officer 2's behaviour. Officer 4 responded on 12 April 2006 affirming that the matter had been fully investigated and remained closed.

*(b) Conclusion*

22. The Association provided me with details of their general procedures for dealing with complaints about members of staff and the specific details of how they dealt with the complaint against Officer 2. The information before me suggests that the complaint about Officer 2 was dealt with appropriately. I see no evidence of maladministration or service failure associated with the processing of the complaint. I do not uphold the complaint.

**(c) The only offers of permanent housing made by the Association have been unsuitable**

23. Mr and Mrs C used their points to secure a transfer to their present home in May 2004. In November 2004 Officer 1 reinstated their medical priority for rehousing for ground floor level access housing and their place on the list would normally have dated from the time of that award. Officer 1, however, decided to exercise her discretion to award medical priority back to their date of application in January 2002. Officer 1 stated that it had been explained to Mrs C that there is a very low turnover of the type of housing she requested and the Association were unable to give a timescale as to when a further offer of rehousing would be made which met Mr C's medical needs. Mrs C had been quite definite that her husband could manage internal stairs in their home. On 11 November 2004 they had sought an independent assessment from the Health Board. On 18 January 2005 the Health Board assessed Mr and Mrs C's situation as requiring ground floor accommodation with no external stairs.

24. The Association stated that they offered Mr and Mrs C three properties as permanent moves which met their medical needs. These were either owned by the Association or the New Gorbals Housing Association:

- Offer 1 was a verbal offer of a high demand property in a predominantly elderly complex made by the Director of New Gorbals Housing Association on 9 March 2005. Mrs C refused the offer because she believed it was too far away from the Health Centre and the local shops.
- Offer 2 was an offer of a recently refurbished and rewired Association ground floor flat with security door and gas central heating. Mrs C did not view the house. She advised the Local Housing Office that she was not interested, and that she wanted a move near to essential services.
- Offer 3 was a verbal offer made on 6 March 2006 of a ground floor Association flat which had been externally and internally refurbished in the current fiscal year. Mrs C did not view the house. She refused the property because of the distance from facilities, buses and shops.

25. The Association said that Mrs C had indicated that she wished to return to the X Road complex from which she had moved in May 2004. They stated that these maisonette properties all had internal stairs and were, therefore, adjudged to be unsuitable for their medical needs.

*(c) Conclusion*

26. Properties have been offered to Mr and Mrs C which meet Mr C's medical needs. They have exercised their discretion to refuse these. I, therefore, do not uphold this complaint.

28 November 2006

**Explanation of abbreviations used**

Mrs C	The complainant
Mr C	Mrs C's husband
The Association	Glasgow Housing Association Ltd
Officer 1	Community Housing Officer, New Gorbals Local Housing Office
Officer 2	Housing Officer, LHO
Officer 3	Housing Assistant, LHO
Officer 4	Customer Relations Co-ordinator, Glasgow Housing Association
X Road	Mr and Mrs C's former home
The Adviser	Housing Adviser from a Disabled Persons Housing Service